

SCHEDULE

Amendment of primary and secondary legislation

PART 1

Amendment of primary legislation

Amendment of the Children (Northern Ireland) Order 1995

23.—(1) Schedule 1 to the Children (Northern Ireland) Order 1995 ^{M1} is amended as follows.

[^{F1}(2) In paragraph 12 (alteration of maintenance agreements)—

- (a) in sub-paragraph (2A), for the words from “where” to the end substitute “in relation to which Article 18 of the 2007 Hague Convention applies, the court may not entertain the application or that part of it except where permitted by Article 18”;
- (b) in sub-paragraph (2B), for ““the Maintenance Regulation”” to the end substitute ““the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague”.]

[^{F2}(2A) In the italic heading before paragraph 16, omit “in relation to matters relating to maintenance”.]

(3) For paragraph 16 (jurisdiction in relation to matters relating to maintenance) substitute—

[^{F3}“**16.**—(1) The court has jurisdiction in relation to an application under paragraph 2 in respect of a child if any of the following persons are habitually resident or domiciled in Northern Ireland on the date of the application—

- (a) a parent of the child;
- (b) a guardian of the child;
- (c) a person in whose favour a residence order is in force with respect to the child;
- (d) the child.

(2) The court has jurisdiction in relation to an application under paragraph 3 if the applicant or a parent against whom the order is sought or made is habitually resident or domiciled in Northern Ireland on the date of the application.”].

F1 Sch. para. 23(2) substituted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 5(3)(i)

F2 Sch. para. 23(2A) inserted (31.12.2020 immediately before IP completion day) by [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/836\)](#), regs. 1, **2(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F3 Words in Sch. para. 23(3) substituted (31.12.2020 immediately before IP completion day) by [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/836\)](#), regs. 1, **2(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I1 Sch. para. 23 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Marginal Citations

M1 [S.I. 1995/755 \(N.I. 2\)](#), amended by [S.I. 2011/1484](#).

Changes to legislation:

There are currently no known outstanding effects for the The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 23.